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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,027	11/20/2001	Mark Maggenti	000211D11	4112
23696	7590	03/23/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			NGUYEN, THUAN T	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
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EXAMINER

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Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/991,027

Applicant(s)

MAGGENTI ET AL.

Examiner

THUAN T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Remarks

1. Claims 1-49 are pending for examination. Please disregard the previous office action.

Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 1-10, 12-23, 25-35, 37-47, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Cassidy et al. (U.S. Patent No. 5,537,684).

Regarding claim 1, Cassidy discloses in a controller (Fig. 1, central controller 101), a method for maintaining user information in a group communication network, the method comprising maintaining information about a net, i.e., whether the net or network has enough resource allocation for communication, and maintaining information about a user in the net, see col. 2/lines 34-62 for a memory in storing or maintaining user information or call records related to the users.

As for claim 2, Cassidy further discloses a net identifier or net ID (Figs. 5-9 and col. 4/lines 25-44 for a net number or network ID).

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As for claim 3, Cassidy further show a list of current users in the net as users in whether a group call or talk group 1 or 2, a private call, individual call is identified by ID and maintaining in the records (Figs. 1, 3, 4, and col. 2/lines 33-62).

As for claim 4, Cassidy further suggests whether the net is a secure net or a clear net, i.e., private calls regarding as a secure net between assigned users within the private group (Fig. 6, and col. 4/lines 45-55).

As for claim 5, Cassidy further discloses a net state including an active state or dormant (idle state) (Fig. 13, at step 1310 as the system is busy or active; and at step 1340 as the total system busy is no longer present, which indicates the system is at idle state).

As for claims 6-7, Cassidy discloses the status of the net as net ID for the address, and an arbitrary scheme as routines for checking the net status (Fig. 13 for the flowchart of the routines, and col. 3/lines 17-32 & col. 4/lines 25-44).

As for claims 8-9, Cassidy further discloses the user status including talking or listening, and maintaining the user priority (as shown in Figure 4 for a list of pending or active calls and call priority can be assigned or modified by an operator or the user, see col. 3/line 55 to col. 4/line 24).

As for claim 10 and 12, Cassidy further discloses the user priority includes a user privilege level to modify the information about the net as the user can delete or assign a different level of priority in the list and the list is delivered to the system for handling the requests (col. 2/lines 15-33, Figs. 10-12 for modifying the pending call list; and Fig. 14 for the process to allow the user to assign the priority ranking).

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As for claims 13-23, 25-35, 37-47, and 49, these claims with same limitations are rejected for the reasons given in the scope of claims 1-10 and 12 as discussed in details above.

Claim Rejections - 35 USC 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 24, 36, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassidy et al. (U.S. Patent No. 5,537,684) in view of Enns et al. (US Patent 6,658,010 B1).

Regarding claims 11, 24, 36, and 48, Cassidy does not further mention “wherein the maintaining information about the user includes maintaining a user Internet protocol (IP) address; however, Enns teaches users within cellular or wireless communication system, are maintaining by its system using the user Internet protocol (IP) address for communication purposes (Fig. 1, col. 1/lines 35-58, col. 2/line 35 to col. 3/line 6, and col. 12/lines 4-58 as user ID is based on user IP address). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cassidy’s system with Enns’ technique in using IP address for identifying users within the network in order to identifying and providing user support in communications via the Internet as taught by Enns.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ganuchau, Jr et al, Dailey, Balasuriya, Hagerman et al., (in PTO 892 attached) disclose systems related to group communications, its statuses and priority.

7. **Any response to this action should be mailed to:**


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9306, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.



TONY T. NGUYEN
PATENT EXAMINER

Tony T. Nguyen
Art Unit 2685
March 11, 2005